

REMARKS/ARGUMENTS

Claims 1, 17, 33, 34, 39 and 44 have been amended.

Claims 5, 21, 35 and 40 have been previously cancelled.

Claim 1-4, 6-20, 22-34, 36-39 and 41-44 remain pending in the application.

The rejection of claims 1-4, 6-20, 22-34, 36-39 and 41-44 under 35 U.S.C. 103(a) as being unpatentable over Black et al (US 7,143,153) (hereinafter Black) in view of Nisbet et al (US 6,834,304) (hereinafter Nisbet) is respectfully traversed.

The independent claims 1, 17, 33, 34, 39 and 44 have been amended to include the limitation that the connection switch network is made up of network elements and a connection resource tracker for maintaining a database of resource utilization. This is resource tracker 32 shown in Fig. 2 and described at paragraphs 14 and 15 of the specification where it is stated:

Broadly, the connection resource tracker determines for each of a set of resources within the network element whether utilization of the resource is above a specified threshold, and reports any such resources. At step 50 the network element is prompted to begin resource utilization monitoring, such as the receipt of a signal sent by an operator. At step 51 the connection resource tracker 32 receives a utilization threshold in the form of a percentage of maximum capacity, such as "80%" or "0.8". The utilization threshold can be received in a number of ways. As examples, the connection resource tracker could read the utilization threshold from a database, could access the utilization threshold from memory (including a hardcoded value), or could read the utilization threshold from a signal sent by an operator. In the latter case, the steps 50 and 51 could be combined

into a single step of prompting the connection resource tracker by sending a utilization threshold.

The specification proceeds to discuss further aspects of the connection resource tracker.

The Black reference has no component which is the equivalent of applicants' connection resource tracker.

Moreover, the Examiner's attempt to read steps a. through d. on Black is faulty in that Black does not provide:

...in response to a query from a user relating to a particular type of resource in said database, comparing the utilization for all resources of the particular type as measured in step c) with the utilization threshold for said particular type for determining whether the utilization of any resource of said particular type is above the corresponding utilization threshold;....

Thus, in addition to not disclosing a connection resource tracker for maintaining a database of resource utilization, Black does not disclose, suggest or teach comparing the utilization for all resources of the particular type as measured at a network element with the utilization threshold for the particular type for determining whether the utilization of any resource of said particular type is above the corresponding utilization threshold.

The Examiner contends that while Black does not specifically disclose a determination and generation of the report is done in response to a user's request, Nisbit discloses another method of monitoring resource utilization within a network which discloses creating a network audit report which reads a network audit report

and compares the parameters of the element with the threshold values and if they are out of the bounds of the threshold, create a file which holds the parameters which are out of a valid range for the particular element. However, this does not satisfy applicants' claim requirement that this be done in response to the user's request. The Examiner contends that, although Black does not disclose it and that it is done periodically, applicants respectfully submit that this is the same case with Nisbit. Note that Nisbit discusses the operation in terms of an auditor 26. In the Detailed Description, Nisbit characterizes his auditor as follows:

An auditor, embodied in a software application, queries, or polls, each network element using a modem connection to collect data related to each element, determines if each element is operating within expected operational parameters, and creates a report that permits a user to view the operational parameters associated with each network element, and identify those elements that may be malfunctioning. (Col. 3, line 67 - col. 4, line 7).

In column 5, Nisbit points out:

Upon prompting by the auditor 26, the user enters the director location where the network element data files are located and the auditor 26 prompts the user to verify that the directory location is correct, as shown at step 200. (Col. 5, lines 27-31).

Thus, Nisbit does not disclose the limitation in clauses d. and e. of the present application reading:

...in response to a query from a user relating to a particular type of resource in said database, comparing the utilization for all resources of the particular type as measured in step c) with the utilization threshold for

said particular type for determining whether the utilization of any resource of said particular type is above the corresponding utilization threshold; and

- e. instructions for identifying in a report each resource of the particular type for which the utilization is above the corresponding utilization threshold and presenting the report to an operator of said network.

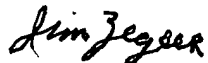
The same limitations are found in claims 17, 33, 34, 39 and 44 and their dependent claims. Accordingly, it is respectfully submitted that the claims are patentable over the combination of Black and Nesbit; and further and favorable action is respectfully requested.

A Request for Continued Examination is being filed concurrently herewith.

This is a request under the provisions of 37 C.F.R. §1.136(a) to extend the period for filing a response in the above-identified application for a period of three months to expire on February 28,

2008. The fee in the amount of \$1,050.00 is included in the attached check.

Respectfully submitted,



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Attachments: Request for Continued Examination (RCE)
Check - \$1,860.00

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Date: February 19, 2008

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.